

**West Stockbridge Planning Board
Meeting Minutes February 28, 2022
Via Zoom**

Dana called the meeting to order at 7:01 pm.

Planning Board (PB) members present: Dana Bixby, Chair, Ryan Beattie, Sue Coxon, Gunner Gudmundson and Andrew Fudge.

Others present: Drs. Dennise Garcia Sevilla and Orion Davidoff, Jeffrey Lynch, Grace Barlow Enchill, Curt G. Wilton, Public Works Director for the Highway Department, Roger Kavanagh, Katy Bixby, Karen Kavanagh, Administrative Assistant.

Approval of Minutes

- February 7, 2022 - Sue motioned to approve. Ryan seconded. The motion carried 5 to 0.

The PB discussed the timing of the next meeting, March 14th 2022, at which there will be a public hearing for an amendment to a Special Permit for a common driveway on 43 Lenox Mountain Rd.

Gunner reported that the ZBA hearing for the Williamsville Inn had ended before he logged onto Zoom, and asked what had happened at the hearing. Dana reported that the Special Permit Application had been withdrawn without prejudice by the applicant.

Public Hearing

Dana opened the Public Hearing at 7:10 pm to consider the Special Permit application by Drs. Dennise Garcia-Sevilla & Orion Davidoff, 53 Maple Road for a clinical psychology practice as an Accessory Use Home Occupation in a Residential Zone per Sections 4.11.2.3 of the Zoning Bylaws.

Dana reviewed the process of a public hearing.

Dana invited Attorney Jeffrey Lynch, representing Drs. Davidoff and Garcia-Sevilla to present the project. However, Dana noted that Attorney Lynch had presented a case for a waiver of the site plan requirements based on inapplicable waiver standards from the Common Driveway Bylaw. Dana said that the site plan information that was presented with the application is adequate to meet site plan requirements for this application.

Jeff said that both of his clients are clinical psychologists who would like to open an office in their home located on a 27-acre property at 53 Maple Hill Road. Their application is under Section 4.11.2.3 of the West Stockbridge zoning bylaw which allows home occupation for professionals and requires a special permit if they are going to render services directly to clients at their residence. Given the size of their lot they are both quite confident that this will pose no adverse effects to the neighborhood. Their driveway is shared with their neighbors who have different spurs off the driveway.

The applicants currently practice in Lenox. Due to the recent birth of a child, as well as the increasing acceptance and use of telehealth/remote appointments, they would like to shift their office to their residence. Their practice is managed such that they rarely have overlapping patients and they will be seeing patients a couple of times a day 3 to 4 days a week.

Jeff said as we go through the findings required for a special permit under 6.3.4, he thinks this application makes sense as it does not create any detriments to the privacy of the neighborhood, since neighbors may see only one car when they have a patient, or two in the rare case of overlapping appointments. There is no problem with parking and no real risk that people in the neighborhood or anybody in town will realize that there is a professional office on the premises.

Dana asked if there are underlying conditions relating to the common driveway that could affect the use of the premises. Jeff said the common driveway easement only deals with a general right of way with shared maintenance.

Responding to Dana's question about how many times a day or how many times a week cars would be coming and going, Dr. Davidoff spoke to the information provided in the application which he stressed was a maximum case scenario where they would have a total of 6 to 10 appointments in a day, two to three days a week, adding that the more realistic number would probably be half of that. He reiterated the point mentioned earlier about the transition to virtual appointments and that trend would likely continue post-COVID.

Related to required parking spaces, Dana asked if clients arrive and wait for another client to finish their appointment and leave. Dr. Davidoff said its fairly common, but in the home office we would try to keep the people scheduled far enough apart so they don't worry about running into one another, but from time to time there will be another person arriving as one is heading out.

Dana said that for the public record she would like to know if the applicants are doing any changes to the house or any work that requires intervention or building permit. Dr. Davidoff said not for this Home Office application.

Dana asked if the PB members had questions, and none did at this time.

1. There was no public comment, so Dana recognized Curt Wilton, Director of Public Works who had notified her that he had concerns about incremental traffic on Maple Hill Road, which is a gravel road. Curt's concerns focused on the potential for an uptick in calls for road maintenance because the applicants' clients would find the road challenging to navigate, particularly in the mud season. After learning that the applicants had been living at 53 Maple Hill Road for 3 years and hearing that they were very prepared to use alternative approaches to serving their clients when the road would be difficult to traverse, Curt stated that his initial concerns had been addressed.
2. The Planning Board reviewed the questions and potential conditions and determined that no conditions would be placed on the Special Permit.
3. **Motion:** Dana asked for a motion to close the public hearing. Gunner made the motion to close the public hearing. Andrew seconded. **Roll Call Vote:** Dana – Yes Andrew – Yes Sue – Yes Ryan – Yes Gunner – Yes.
4. Findings required. Before granting a special permit for any use requiring such permit under the provisions of this bylaw, the special permit granting authority shall find that the proposed use:
 - a) Is in compliance with all provisions and requirements of this bylaw, and in harmony with its general intent and purpose. **Motion:** Sue. **Second:** Gunner. **Roll Call Vote:** Dana –

Yes Andrew – Yes Sue – Yes Ryan – Yes Gunner – Yes. The motion passed, 5 in favor, 0 opposed.

- b) Is essential or desirable to the public convenience or welfare at the proposed location. **Motion:** Sue. **Second:** Andrew. **Roll Call Vote:** Dana – Yes Andrew – Yes Sue – Yes Ryan – Yes Gunner – Yes. The motion passed, 5 in favor, 0 opposed.
- c) Will not be detrimental to adjacent uses or to the established or future character of the neighborhood. **Motion:** Sue. **Second:** Gunner. **Roll Call Vote:** Dana – Yes Andrew – Yes Sue – Yes Ryan – Yes Gunner – Yes. The motion passed, 5 in favor, 0 opposed.
- d) Will not create undue traffic congestion, or unduly impair pedestrian safety. **Motion:** Gunner. **Second:** Sue. **Roll Call Vote:** Dana – Yes Andrew – Yes Sue – Yes Ryan – Yes Gunner – Yes. The motion passed, 5 in favor, 0 opposed.
- e) Will not overload any public water, drainage, or sewer system or any other municipal facility to such an extent that the proposed use or any existing use in the immediate area or in any other area of the Town will be unduly subjected to hazards affecting public health, safety, or general welfare. **Motion:** Andrew. **Second:** Gunner. **Roll Call Vote:** Dana – Yes Andrew – Yes Sue – Yes Ryan – Yes Gunner – Yes. The motion passed, 5 in favor, 0 opposed.

Motion: Gunner moved, based on the approved Findings of Fact, to approve the Special Permit. **Second** Andrew. **Roll Call Vote:** Dana – Yes Andrew – Yes Sue – Yes Ryan – Yes Gunner – Yes. The motion passed, 5 in favor, 0 opposed.

Dana asked whether the PB had any other business to discuss. With no further business, Dana asked for a motion to adjourn. Andrew so moved. Sue seconded. The motion carried 5 to 0. Meeting adjourned at 8:10pm.

Respectfully submitted,
Katy Bixby

On behalf of Sue Coxon, Clerk